



State of Idaho
DEPARTMENT OF WATER RESOURCES
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CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MEMORANDUM

Date: December 16, 1987

Application Processing No. 41

To: Department Staff

From: R. Keith Higginson

RE: INTERIM APPROVALS FOR THE USE OF TRUST WATER

APPLICATION PROCESSING MEMORANDUM NO. 40 - REVISED
(Supercedes Application Processing No. 40)

This memo supercedes prior memos dated January 13, 1987 (Application Processing Memo No. 40) and July 16, 1987 relative to interim approvals for the use of trust water.

The issuance of interim approvals has essentially provided a conditioned approval for the use of trust water without regard for the priority of the pending application or for any pending applications which pre-date a particular application for interim approval. In order to minimize the obstacles to the orderly processing of applications once the Swan Falls settlement is fully effective, the following will be department policy with respect to the interim approvals for the upcoming water year.

The department will not grant additional interim approvals for the use of trust water. Interim approvals which have been granted in the past, however, will be recognized by the department assuming the conditions of the approvals are met by the respective grantees.

By January 15, 1988, Water Allocation Section should mail a notice to each holder of an interim approval within the trust water area of the need to rent stored water or make other arrangements for replacement water for the upcoming water year. Since the availability of storage water available for rental likely will not be known in mid-January, the notice should be appropriately written.

By April 1, 1988, Water Allocation Section should mail notice of intent to cancel the interim approval on May 1 for those interim approvals within the trust water area for which evidence of the replacement water acquisition has not been received. On May 1, 1987, cancellation notices will be sent when appropriate.

When an interim approval is cancelled, the regional office will field inspect to determine if water is or likely will be diverted. A memo of field inspection findings should be submitted to Water Allocation Section.

Regional offices will document violations and recommend enforcement action. Responsibility for enforcement actions is assigned to the department's legal section. Water Allocation Section will coordinate data collection for the enforcement action.